

# Notice of Allowability

Application No.

09/830,592

Examiner

David M. Naff

Applicant(s)

FULLER ET AL.

Art Unit

1651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephone interview of 12/17/04.
2. ☒ The allowed claim(s) is/are 1-6, 9, 10, 12-27, 35, 37-39, 41,43 and 162-170.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Claims 44-161 have been canceled by the amendment of 5/24/04 (pages 6-14), and are not withdrawn as shown by the amendment of 11/12/04.

Claim 42 has been canceled by the amendment of 5/24/04 (page 6), and is not previously presented as shown by the amendment of 11/12/04.

Title, cancel the title and insert the following title ---  
PREPARATION OF POROUS SILICONE RUBBER FOR GROWING CELLS OR LIVING  
TISSUE ---.

Applicants' representative, William G. Gosz, authorized the following amendments by telephone on 12/17/04.

Abstract, last line, after the period insert --- The sacrificial filler is preferably an inorganic salt that has been ground, and the salt is selected from metal halides, metal carbonates and metal bicarbonates. ---.

In the claims,

Claim 1,

Lin2 2, before "comprises" insert --- which ---;

line 4, after "filler" insert --- by dissolution ---, and after "rubber" insert ---, said sacrificial filler is an inorganic salt

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that has been ground, and said inorganic salt is selected from the group consisting of metal halides, metal carbonates and metal bicarbonates ---.

Claims 7, 8, 11 and 15, cancel the claims.

Claim 9, line 1, change "7" to --- 1 ---.

Claim 10, line 2, cancel "an inorganic salt and is".

Claim 12,

line 1, change "11" to --- 1 ---.

line 3, before "and" insert --- , sodium chloride ---.

Claim 13, line 2, cancel ", preferably food grade sodium

bicarbonate or sodium chloride".

Claim 16, line 1, change "15" to --- 1 ---.

Claim 35, line 1, change "34" to --- 1 ---, and cancel "the",

first occurrence.

Claim 38, line 1, cancel "the", and after "pores" insert --- of

the silicone rubber ---.

Claim 41,

line 5, after "filler" insert --- by dissolution ---, cancel

"three-dimensional and insert --- porous ---, and after "article"

insert --- , said sacrificial filler is an inorganic salt that has

been ground, and said inorganic salt is selected from the group

consisting of metal halides, metal carbonates and metal bicarbonates -

--;

line 6, cancel "containing porous channels throughout the

article".

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Claim 43,

line 1, cancel "or apparatus";

line 2, after "rubber" insert --- article ---.

Claim 163,

line 1, change "7" to --- 1 ---.

Claim 166, line 1, change "15" to --- 1 ---.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M. Naff whose telephone number is 571-272-0920. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'DMNaff', with a long horizontal stroke extending to the right.

David M. Naff  
Primary Examiner  
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DMN  
12/17/04